

CIVIL COVER SHEET

JS-44 (Rev 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Eunice Spann

(b) County of Residence of First Listed Plaintiff Delaware, PA

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Andrew Milz, Flitter Milz, P.C., 450 N. Narberth Avenue, Suite 101 Narberth, PA 19072; (610)668-0018

DEFENDANTS

Midland Credit Management and Midland Funding LLC

County of Residence of First Listed Defendant San Diego, CA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Michael E. Fitzgerald, Esq., Marshall Dennehey Warner Coleman & Goggin 2000 Market Street, Suite 2300, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicates Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place An "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits. <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 195 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing / Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 15 U.S.C. § 1692, et seq.
 Brief description of cause:
 Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ N/A

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions) JUDGE

DOCKET NUMBER

DATE

July 21, 2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Eunice Spann c/o Andrew M. Milz - Flitter Milz, P.C., 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072

Address of Defendant: Midland Credit Management, Inc. & Midland Funding, LLC c/o Michael Fitzgerald, Esq. - 2000 Market Street, Suite 2300, Philadelphia, PA 19103

Place of Accident, Incident or Transaction: Philadelphia County, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Fair Credit Reporting Act and Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Michael E. Fitzgerald, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: July 21, 2016

[Signature]
Attorney-at-Law

321698

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 21, 2016

[Signature]
Attorney-at-Law

321698

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Eunice Spann c/o Andrew M. Milz - Flitter Milz, P.C., 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072

Address of Defendant: Midland Credit Management, Inc. & Midland Funding, LLC c/o Michael Fitzgerald, Esq. - 2000 Market Street, Suite 2300, Philadelphia, PA 19103

Place of Accident, Incident or Transaction: Philadelphia County, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

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2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Fair Credit Reporting Act and Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Michael E. Fitzgerald, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: July 21, 2016

Michael E. Fitzgerald
Attorney-at-Law

321698

Attorney I.D.#

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I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 21, 2016

Michael E. Fitzgerald
Attorney-at-Law

321698

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Eunice Spann

CIVIL ACTION

v.

Midland Credit Management and
Midland Funding, LLC

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

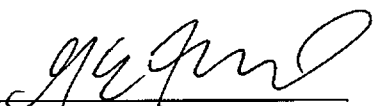
SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

July 21, 2016

Date

(215) 575-3567

Telephone

Attorney-at-law

(215) 575-0856

FAX Number

Midland Funding, LLC
Midland Credit Management, Inc.

Attorney for

MEFitzgerald@mdwcg.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

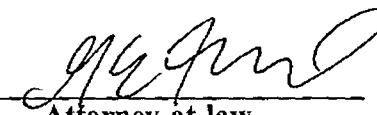
CASE MANAGEMENT TRACK DESIGNATION FORM

Eunice Spann	:	CIVIL ACTION
	:	
v.	:	
Midland Credit Management and	:	
Midland Funding, LLC	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

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- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>July 21, 2016</u> Date	 Attorney-at-law	Midland Funding, LLC Midland Credit Management, Inc. Attorney for
<u>(215) 575-3567</u> Telephone	<u>(215) 575-0856</u> FAX Number	<u>MEFitzgerald@mdwgcg.com</u> E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EUNICE SPANN,

Plaintiff,

v.

**MIDLAND CREDIT MANAGEMENT AND
MIDLAND FUNDING, LLC**

Defendants.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendants, Midland Funding, LLC and Midland Credit Management, Inc. (hereinafter collectively "the Midland Defendants"), by and through their counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action captioned as EUNICE SPANN v. MIDLAND CREDIT MANAGEMENT and MIDLAND FUNDING, LLC., docket no. 160602272, as filed in the Court of Common Pleas of Philadelphia County, Pennsylvania ("the Action"), to the United States District Court for the Eastern District of Pennsylvania, based upon the following:

1. On or about June 22, 2016 Plaintiff filed the Action in the Court of Common Pleas of Philadelphia County, Pennsylvania. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."
2. The Midland Defendants first received notice of the Action on or about June 23, 2016, when they were served with Plaintiff's Complaint.

3. Based on the foregoing, the Midland Defendants have timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by the Midland Defendants pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that the Midland Defendants violated the Fair Debt Collections Practices Act, 15 U.S.C. § 1692, *et seq.*, thereby asserting claims that arise under federal law.

5. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Delaware County, Pennsylvania, the United States District Court for the Eastern District of Pennsylvania should be assigned the Action.

6. Pursuant to 28 U.S.C. § 1446(d), the Midland Defendants will file a copy of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Pennsylvania, will serve Plaintiff with copies of this Notice of Removal and will file the Notice of Removal in the Philadelphia County Court of Common Pleas.

WHEREFORE, Defendants, Midland Funding, LLC and Midland Credit Management, Inc. notifies this Court that this Action is removed from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: 

MICHAEL E. FITZGERALD, ESQUIRE
2000 Market Street, Suite 2300
Philadelphia, PA 19103
(215) 575-3567 / (215) 575-0856 (f)
MEFitzgerald@mdwgc.com
Attorneys for Defendants
Midland Funding, LLC and
Midland Credit Management, Inc.

Dated: July 21, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EUNICE SPANN,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT AND

MIDLAND FUNDING, LLC

Defendants.

Civil Action No.

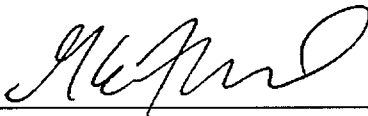
CERTIFICATE OF SERVICE

I, Michael E. Fitzgerald, Esquire, do hereby certify that a true and correct copy of Defendants, Midland Credit Management, Inc. and Midland Funding, LLC's Notice of Removal was served upon the below-listed counsel of record by regular mail on July 21, 2016.

Andrew M. Milz
Flitter Milz, P.C.
450 N. Narberth Avenue, Suite 101
Narberth, PA 19072

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By:


MICHAEL E. FITZGERALD, ESQUIRE
Attorneys for Defendants
Midland Funding, LLC and
Midland Credit Management, Inc.

Dated: July 21, 2016

EXHIBIT "A"

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

PLAINTIFF'S NAME EUNICE SPANN		DEFENDANT'S NAME MIDLAND CREDIT MANAGEMENT	
PLAINTIFF'S ADDRESS 5201 CHEVERS DRIVE GLEN MILLS PA 19342		DEFENDANT'S ADDRESS 8875 AERO DRIVE SUITE 200 SAN DIEGO CA 92123	
PLAINTIFF'S NAME		DEFENDANT'S NAME MIDLAND FUNDING, LLC	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 8875 AERO DRIVE SUITE 200 SAN DIEGO CA 92123	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 10 - CONTRACTS OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>EUNICE SPANN</u> Papers may be served at the address set forth below.		FILED PRO PROTHY JUN 22 2016 E. MASCUILLI	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ANDREW M. MILZ		ADDRESS FLITTER MILZ, P.C. 450 N. NARBERTH AVENUE SUITE 101 NARBERTH PA 19072	
PHONE NUMBER (610) 668-0018	FAX NUMBER (610) 667-0552	E-MAIL ADDRESS amilz@consumerslaw.com	
SUPREME COURT IDENTIFICATION NO. 207715		DATE SUBMITTED Wednesday, June 22, 2016, 10:03 am	
SIGNATURE OF FILING ATTORNEY OR PARTY ANDREW MILZ		DATE SUBMITTED Wednesday, June 22, 2016, 10:03 am	

FINAL COPY (Approved by the Prothonotary Clerk)

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 03/27/2017

You must still comply with the notice below. USTED TODAVIA DEBE CUPLIR CON EL AVISO PARA DEFENDERSE.

This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.

There is no right to a jury trial on appeal from a decision entered by the court.

BY: CARY L. FLITTER, ESQUIRE

EUNICE SPANN

IDENTIFICATION NO. 35047

BY: ANDREW M. MILZ, ESQUIRE

IDENTIFICATION NO. 207715

450 N. NARBERTH AVENUE, SUITE 101

NARBERTH, PA 19072

(610) 822-0782

EUNICE SPANN

Plaintiff

v.

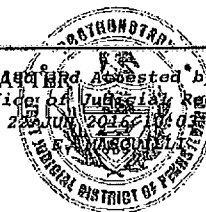
MIDLAND CREDIT MANAGEMENT

and

MIDLAND FUNDING, LLC

Defendants

THIS IS AN ARBITRATION HEARING. As noted by the
Office of Judicial Records
223 JUN 2016 11:04 am



COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

TERM, 2016

NO.

TO THE DEFENDANTS:

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL & INFORMATION SERVICE:
Philadelphia Bar Association
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plaza al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecía escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA E INFORMACION LEGAL:
Philadelphia Bar Association
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

FLITTER MILZ, P.C.
BY: CARY L. FLITTER, ESQUIRE
IDENTIFICATION NO. 35047
BY: ANDREW M. MILZ, ESQUIRE
IDENTIFICATION NO. 207715
450 N. NARBERTH AVENUE, SUITE 101
NARBERTH, PA 19072
(610) 822-0782

EUNICE SPANN
5201 Chevers Drive
Glen Mills, PA 19342

Plaintiff

v.

MIDLAND CREDIT MANAGEMENT
8875 Aero Drive, Suite 200
San Diego, CA 92123

and

MIDLAND FUNDING, LLC
8875 Aero Drive, Suite 200
San Diego, CA 92123,

Defendants

ATTORNEY FOR PLAINTIFF
EUNICE SPANN

THIS IS AN ARBITRATION MATTER

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

TERM, 2016

NO.

COMPLAINT

I. INTRODUCTION

1. This action is brought pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").

2. The FDCPA mandates in the first written communication a Validation Rights Notice as an important consumer disclosure and informal dispute mechanism. 15 U.S.C. § 1692g.

3. Defendant is subject to strict liability for sending a collection letter which fails to fully and effectively convey the Validation Notice in violation of the FDCPA.

II. PARTIES

4. Plaintiff Eunice Spann is a consumer who resides in Glen Mills, Pennsylvania at the address captioned above.

5. Defendant Midland Credit Management ("MCM") is a nationwide debt collector with a principal place of business at the address captioned.

6. Defendant Midland Funding, LLC ("Midland Funding") is a purchaser of charged-off consumer debts and has a principal place of business at the address captioned.

7. Defendants MCM and Midland Funding are collectively referred to as "Midland" or "Defendants."

8. Defendants regularly engage in the collection of consumer debts using the mails and telephone or purchase consumer debt after default for the purposes of collection.

9. Each Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

10. Midland Funding engaged MCM to collect the accounts here in issue.

11. Midland Funding is responsible for the acts of its collector, MCM.

IV. STATEMENT OF CLAIM

12. On August 27, 2015, Defendant MCM sent Plaintiff a communication in connection with a consumer debt allegedly due Midland Funding, LLC and arising from an old Citibank (South Dakota), N.A. account. (*See* correspondence from MCM attached hereto as Exhibit "A," redacted).

13. Section 1692g(a) of the FDCPA requires a debt collector to provide a consumer with a Notice containing information about the alleged debt and a consumer's rights as more specifically set forth in subsections (a)(1)-(5).

14. This Notice is an important statutory right which must be provided fully and clearly to a consumer.

15. The Notice in the August 27, 2015 collection dun is printed on the reverse side of the letter, together with other messages and copy.

16. The reference on the front of the letter to "see reverse side for important information" is printed at the bottom, inconspicuously, and overshadowed by other, larger and more prominent messages.

17. The validation Notice printed on the reverse side is not prominent or conspicuous and is overshadowed by other messages.

COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

18. Plaintiff repeats the allegations set forth above as if the same were set forth at length herein.

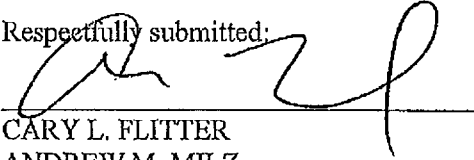
19. The August 27, 2015 collection letter from Defendants violates the Fair Debt Collection Practices Act by failing to fully and clearly give Plaintiff the statutory Notice required by 15 U.S.C. § 1692g.

WHEREFORE, Plaintiff Eunice Spann demands judgment against Defendants Midland Credit Management, Inc. and Midland Funding, LLC for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

DATE: 6/22/16

Respectfully submitted:


CARY L. FLITTER
ANDREW M. MILZ
FLITTER MILZ, P.C.
450 N. Narberth Avenue, Suite 101
Narberth, PA 19072
(610) 822-0782
Attorneys for Plaintiff

VERIFICATION

I, EUNICE SPANN, hereby state that I am the Plaintiff in this action and the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Dated: 6-15-2016


EUNICE SPANN

EXHIBIT "A"



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Dear Eunice,

Welcome! On 08-13-2015, your Citibank (South Dakota), N.A. account was sold to MIDLAND FUNDING LLC, which is now the sole owner of this debt. Midland Credit Management, Inc. ("MCM"), a debt collection company, will be collecting on, and servicing your account, on behalf of MIDLAND FUNDING LLC.

As a new consumer, we'd like to offer you a 40% discount on the balance. Pay \$10,772.16 by 10-11-2016 and save \$7,181.44. Read on and take a minute to get to know us.

Your experience with MCM will be different. Period.

What to expect from MGM:

Now that we are servicing the account, we have assigned the account an MCM Account Number, 8586811240. MCM will reach out to you by phone and mail over the months to come. We also have a website, www.mldlandcredtonline.com, where you can login using your MCM account number to view account details.

MCM, a partner you can trust.

We value your experience and understand that managing debt can be a difficult process. That is why we set standards for how you are to be treated while working with us. Visit www.midlandcreditonline.com to learn about our Consumer Bill of Rights or call (855) 977-1969 to experience the difference for yourself.

Next Steps... You Choose.

With this option, SAVE \$7,181.44 if you pay by 10-11-2015.

That's 25% off your current balance due.

If these options don't work for you, call one of our Account Managers at (855) 977-1969 to set up a payment plan that works for you. Some plans start as low as \$50 a month. Have a great day and we look forward to hearing from you!

Sincerely,

Chrisl Weber, Division Manager

P.S. These payment opportunities do not alter or amend your validation rights as described on the reverse side.

The law limits how long you can be sued on a debt. Because of the age of your debt, we will not sue you for it, we will not report it to any credit reporting agency, and payment or non-payment of this debt will not affect your credit score.

Federal law prohibits certain methods of debt collection, and requires that we treat you fairly. You can stop us from contacting you by writing a letter to us that tells us to stop the contact or that you refuse to pay the debt. Sending such a letter does not make the debt go away if you owe it. Once we receive your letter, we may not contact you again, except to let you know that there won't be any more contact or that we intend to take a specific action.

If you have a complaint about the way we are collecting this debt, please write us at 2365 Northside Drive, Suite 300, San Diego, CA 92108, email us at customerservice@mcmg.com, or call us toll-free at 1-800-825-8131 between Mon-Fri 6:00am-4:30pm PST.

The Federal Trade Commission enforces the Fair Debt Collection Practices Act (FDCPA). If you have a complaint about the way we are collecting your debt, please contact the FTC online at www.ftc.gov; by phone at 1-877-FTC-HELP; or by mail at 600 Pennsylvania Ave., N.W., Washington, D.C. 20580.

We are not obligated to renew this offer. We will report forgiveness of debt as required by IRS regulations. Reporting is not required every time a debt is canceled or settled, and might not be required in your case.

Mail:
Payment Certificate

Account at a Glance

Civilian Influence Data	Newspaper Circulation Data	Police and Security
06/19/77-08/01/77	06/19/77-08/01/77	06/19/77-08/01/77

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

Payment Certificate

MEM Account Number: [REDACTED]
Original Account Number: [REDACTED]
Current Balance: \$17,900.01
Due Date: 10/11/2015
Amount Enclosed: \$ [REDACTED]
Fund: 1-Sprink
2010/10/10
1 YEAR

Directions

Make sure you displayed all Midland Credit Management, Inc. File of Collections Enclosed only for Payment Certificate. Place your mark and Payment Certificate in the provided envelope of Midland Credit Management.

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Midland Credit Management, Inc.
P.O. Box 160578
Los Angeles, CA 90060-0578

Case ID: 160602272

Important Disclosure Information:

Please understand this is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

Calls to and/or from this company may be monitored or recorded.

The records associated with the Cillbank (South Dakota), N.A. account purchased by MIDLAND FUNDING LLC, reflect that you are obligated on this account, which is in default.

As the owner of this account, but subject to the rights described below, MIDLAND FUNDING LLC is entitled to payment of this account. All communication regarding this account should be addressed to MCM and not the previous owner.

Unless you notify MCM within thirty (30) days after receiving this notice that you dispute the validity of the debt, or any portion thereof, MCM will assume this debt to be valid.

If you notify MCM, in writing, within thirty (30) days after receiving this notice that the debt, or any portion thereof, is disputed, MCM will obtain verification of the debt or a copy of a judgment (if there is a judgment) and MCM will mail you a copy of such verification or judgment.

If you request, in writing, within thirty (30) days after receiving this notice, MCM will provide you with the name and address of the original creditor.

If an attorney represents you with regard to this debt, please refer this letter to your attorney. Likewise, if you are involved in an active bankruptcy case, or if this debt has been discharged in a bankruptcy case, please refer this letter to your bankruptcy attorney so that we may be notified.

Please remember, even if you make a payment within thirty (30) days after receiving this notice, you still have the remainder of the thirty (30) days to exercise the rights described above.

RETAIN THE FOLLOWING ADDRESS INFORMATION FOR YOUR RECORDS:

Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to: 2365 Northside Drive, Suite 300, San Diego, CA 92108; Attn: Consumer Support Services.

MAIL PAYMENTS TO: P.O. Box 80578, Los Angeles, CA 90080-0578

MAIL CORRESPONDENCE BUT NO PAYMENTS TO: 2365 Northside Drive, Suite 300, San Diego, CA 92108

MAIL CREDIT REPORTING CORRESPONDENCE TO: MCM CREDIT REPORTING DEPARTMENT, 2365 Northside Drive, Suite 300, San Diego, CA 92108

We are required under state law to notify consumers of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law:

IF YOU LIVE IN COLORADO, THIS APPLIES TO YOU:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Midland Credit Management has a Colorado office with the following address and telephone number: Building B, 80 Garden Center, Suite 3, Broomfield, CO 80020. Telephone number: (303) 920-4783.

Only physical in-person payments may be accepted at this office location. All payments made via mail should be sent to the following address: P.O. Box 80578, Los Angeles, CA 90080-0578.

IF YOU LIVE IN MASSACHUSETTS, THIS APPLIES TO YOU:

NOTICE OF IMPORTANT RIGHTS: You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to Midland Credit Management, Inc.

IF YOU LIVE IN MINNESOTA, THIS APPLIES TO YOU:

This collection agency is licensed by the Minnesota Dept. of Commerce.

IF YOU LIVE IN NEW YORK CITY, THIS APPLIES TO YOU:

New York City Department of Consumer Affairs License Number 1140603, 1207829, 1207820, 1227728, 2022587, 2023161, 2023162, 2027429, 2027430, 2027431

IF YOU LIVE IN NORTH CAROLINA, THIS APPLIES TO YOU:

North Carolina Department of Insurance Permit #101850, #4182, #4250, #3777, #111895, and #112039. Midland Credit Management, Inc. 2365 Northside Drive, Suite 300, San Diego, CA 92108.

IF YOU LIVE IN TENNESSEE, THIS APPLIES TO YOU:

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

IF YOU LIVE IN CALIFORNIA, THIS APPLIES TO YOU:

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 8 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or <http://www.ftc.gov>.

"Nonprofit credit counseling services may be available in the area."

